

## **CHAIN OF CUSTODY**

### **Evidence -- Chain Of Custody -- Computers**

*State v. Brown 176 NCA 72 (2006)*

There was no need for testimony setting forth a detailed chain of custody for defendant's computers, and the child pornography within, in a prosecution for statutory rape, burglary, and other offenses. Once the computers were admitted, any doubts were to be resolved by the jury. Defendant did not identify on appeal any reason to believe that the computers' contents may have been altered. Goes to Weight not Admissibility

### **Chain Of Custody--Crack Pipe--Rocks Of Crack Cocaine--SBI Report**

*State v. Berryman, 170 NCA 336 (2005)*

The trial court did not err in a common law robbery and felony possession of cocaine case by allowing into evidence the crack pipe, two rocks of crack cocaine, and a State Bureau of Investigation (SBI) report even though defendant contends the State failed to establish proper chain of custody, because: 1) the arresting officer testified that the crack pipe introduced as evidence at trial was the same pipe he recovered from defendant and that it was in substantially the same condition; 2) the same officer also testified that the rocks of crack cocaine were the same ones that he removed from defendant at the scene, and that they were in substantially the same condition except a small portion of one of the rocks appeared to have been removed; 3) the officer testified that he followed standard procedure for identifying and submitting these two items to the SBI; 4) an SBI agent testified from his review of the report that he could determine that the crack cocaine had been tested following all the proper procedures, that the proper procedures for documenting chain of custody at the lab had been followed, and that the report showed that the substance tested was crack cocaine; and 5) any weak links in the chain of custody pertain only to the weight to be given to the evidence and not to its admissibility.

### **Evidence--Package Of Methamphetamine--Authenticity--Chain Of Custody**

*State v. Shelman 159 NCA 300 (2003)*

The trial court did not err in a trafficking in methamphetamine by possession and by transportation case by admitting into evidence a package of methamphetamine found in defendant's possession even though defendant contends the State failed to present adequate evidence of authenticity and chain of custody, because: (1) the State presented sufficient evidence on the unity of identity between the methamphetamine delivered to an inspector and that which was admitted at trial; and (2) the issues raised by defendant essentially go to alleged weaknesses in the State's case and do not render the methamphetamine package inadmissible.

### **Evidence--Urine Test--Chain Of Custody**

*State v. Hyman, 153 NCA 396 (2002)*

The trial court did not err in a delivery of cocaine to a minor child thirteen years or younger, second-degree kidnapping, and assault on a child under the age of twelve years case by allowing into evidence the results of the test of the minor child's urine, because: 1) concerns about the chain of custody of the material or the procedures used to test it go to the weight that should be accorded the test results, and the defense had ample opportunity to present these concerns to the jury; and 2) although defendant contends a witness nurse allegedly offered an improper expert opinion about the test results, the witness rendered no expert opinion and the test results had already been received into evidence.

### **Drugs--Intent To Sell And Deliver Cocaine--Sale Of Cocaine--Authentication Of Chemical Analysis Report--Chain Of Custody**

*State v. Greenlee 146 NCA 729 (2001)*

N.C.G.S. § 90-95(g)-(g1) does not represent the exclusive procedure for authenticating a report on the chemical analysis of a controlled substance and for establishing chain of custody, and the laboratory report determining that the substance purchased from defendant was cocaine was admissible in an intent to sell and deliver cocaine and sale of cocaine case, because: (1) N.C.G.S. § 90-95(g) merely establishes a procedure through which the State may introduce into evidence the laboratory report of a chemical analysis conducted on an alleged controlled substance without further authentication; (2) a forensic chemist testified and authenticated the report, making it irrelevant whether the State complied with the notice requirements set forth in N.C.G.S. § 90-95(g); and (3) the State's evidence as to the chain of custody was sufficient. \*\*\*\* see text for chain of custody p732\*\*\*

### **Trafficking In Marijuana--Laboratory Report--Chain Of Custody**

*State v. Lorenzo 147 NCA 728 (2001)*

The trial court did not err in a trafficking in marijuana case by finding the chain of custody for a laboratory report was properly established even though the statement of the chain of custody did not comply with N.C.G.S. § 90-95(g1)(1) based on an inaccuracy concerning the last person to handle the evidence, because: 1) a statement pursuant to N.C.G.S. § 90-95(g1)(1) is not the exclusive method for authenticating a laboratory report; 2) the chain of custody may also be established by the testimony of the individuals in the chain of custody; and 3) a detective's testimony establishing that he was the last person to handle the

evidence, in addition to the statement admitted by the State, was sufficient to establish the chain of custody.

### **Evidence--Photostatic Reproduction--Hotel Registration Card--Authenticity--Chain Of Custody**

*State v. Ferguson, 145 NC App 302 2001*

The trial court did not err in a first-degree murder, attempted murder, and robbery with a dangerous weapon case by admitting a photostatic reproduction of a hotel registration card, because: 1) defendant's signature was properly authenticated under N.C.G.S. § 8C-1, Rule 901(a) by a comparison of his university identification card to the signature on the motel registration card; 2) although the original motel registration card was turned over to the police and its location was unknown, the owner of the motel testified that the exhibit was an exact copy of the original registration card and defendant has not raised any real issue as to the authenticity of the original; and 3) a detailed chain of custody was not necessary when there was no reason to believe the document was altered.

### **Evidence - Chain Of Custody - Cocaine**

*State v. Smith, 134 n.c. app. 123 (1999)*

The trial court did not abuse its discretion in a prosecution for possession of cocaine with intent to sell and deliver by admitting crack and a cellophane cigarette wrapper where defendant contended that the State did not establish the proper chain of custody and that the cocaine was from an unrelated transaction. The testimony of the deputy who received the evidence from an undercover officer was sufficient to establish the link in the chain of custody and the undercover officer's lack of testimony about the cellophane wrapper is merely an arguably weak link, properly considered by the jury.

### **Chain Of Custody - Watch Found At Crime Scene**

*State v. Fleming, 350 N.C. 109 (1999)*

The trial court did not commit plain error by admitting into evidence a watch found at a murder scene, although the watch was not discovered until three days after the murder, the murder scene had not been secured, and a buckle which was initially on the watch was not on the watch at trial, where several witnesses testified that the watch was the same watch found at the murder scene and that it was defendant's watch; the watch was present in photographs of the scene taken on the day of the murder; and a member of the county sheriff's department testified that the watch was in the same condition as when it was found and that he maintained custody over the watch until it was transported to the SBI lab. Any

alleged weakness in the chain of custody affected merely the weight, not the admissibility, of the watch.

### **Chain Of Custody - No Memory By Arresting Officer - Sufficient Showing**

*State v. Stinnett, 129 N.C. App. 192 (1998)*

The State sufficiently established the chain of custody of a stolen plastic-encased two dollar bill found in defendant's possession at the time of his arrest, although the arresting officer did not remember finding the bill on defendant's person, where an officer testified that the white bag he received from the arresting officer at the time he transported defendant to the sheriff's department contained the bill, and a second officer testified that the bill was in the white bag he received from the transporting officer at the sheriff's department.

### **Chain Of Custody - Weak Link - Weight Rather Than Admissibility**

*State v. Owen, 130 N.C. App. 505 (1998)*

The trial court did not err in a first-degree murder prosecution by admitting bullets removed from the victim's body and unspent cartridges from a gun where the lab examiner failed to identify the specific individual at the FBI lab who handled the evidence prior to the exhibits being transferred to her for evaluation. The agent testified that the exhibits came to her in a sealed package, were kept in a sealed room at the lab, that it was normal procedure for evidence from a state bureau of investigation to exchange hands several times before it reached her particular unit at the FBI lab, that it was normal procedure for the evidence to be brought to the FBI control unit and then given to a particular lab unit where it would be transferred to a particular unit examiner, and that there was nothing about the package she received in this case which gave her cause to believe that the evidence had been tampered with or altered. Any weak links in the chain of evidence go to the weight of the evidence, not to its admissibility.

### **Cocaine And Heroin Chain Of Custody Sufficient**

*State v. Rogers, 121 N.C. App. 273 (1-2-1996) \_\_\_ S.E.2d \_\_\_*

The chain of custody was sufficient in an action arising from the sale of heroin and cocaine where there is a discrepancy as to who delivered the drugs to the detective who mailed them to the SBI, but there is no dispute that the item delivered was the bag of drugs received from defendant.

### **Blood Sample Chain Of Custody Identity Of Person Drawing Blood**

*State v. Hairston, 123 N.C. App. 753 (1996) 475 S.E.2d 242*

The trial court did not err by admitting into evidence in a prosecution for armed robbery, burglary and rape defendant's blood sample where defendant contended that the State did not adequately establish the chain of custody due to insufficient evidence of who actually drew the blood. The testimony indicates that either the doctor who testified or his nurse drew the blood and that no one else was having their blood drawn by the doctor when defendant was with him. Any doubt as to the collection procedure of the blood and any weakness in the chain of custody relates only to the weight to be given to the evidence and not to its admissibility.

### **Blood Sample Chain Of Custody Who Took Sample**

*State v. Frye, 341 N.C. 470 (1995) \_\_\_ S.E.2d \_\_\_*

The first link in the chain of custody of a blood sample, that is, who drew the blood, was sufficiently proven to permit admission of the sample and expert testimony based thereon where the autopsy physician testified that an autopsy assistant was also present during the autopsy; an investigator testified that he received two vials of the victim's blood directly from the autopsy physician and the autopsy assistant; and this evidence permits an inference that either the physician or the assistant drew the blood during the autopsy.